



JAMES D. WELCH
ATTORNEY AT LAW
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INTELLECTUAL PROPERTY
402-391-4448

10328 PINEHURST AVE.
OMAHA, NEBRASKA 68124

August 3, 2001

Assistant Commissioner
for Patents
Patent & Trademark Office
Washington, D.C. 20231

RE: APPLICATION TITLED "METHOD FOR IMPROVING PRECISION OF DATA
ACQUIRED BY SPECTROMETER METHODS";
SERIAL NO.: 09/862,881
FILED: 05/22/2001

Dear Sir;

Please find enclosed a Petition to Allow the date of 05/22/01 as the Filing Date in that all the Claims are Method Claims and in that the Drawings are demonstrative of systems which might be used in applying the Claimed Methodology. The Drawings are thus not necessary to fully disclose the present invention.

It is noted that Drawings are being submitted at this time in a separate submittal accompanying this submittal, only to make the Application complete. The Detailed Description of the 09/862,881 Application makes reference to the Drawings and without their presence said discussion will be difficult to follow.

Return of the Petition Fee is requested in that it is not known how the Drawings were not submitted with the original submission.

Please consider the accompanying Petition and then provide a Filing Date of 05/22/01.

Sincerely,

JAMES D. WELCH

JW/hs

enc. Petition, Copy of the PTO Notice and a Check for \$130.00.



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RE: APPLICATION TITLED "METHOD FOR IMPROVING PRECISION OF DATA
ACQUIRED BY SPECTROMETER METHODS";
SERIAL NO.: 09/862,881
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Dear Sir;

Please find enclosed Two (2) submittals:

1. A New Declaration accompanied by Drawings which were thought to have been filed with the Application. The purpose of the Drawings submittal is to make the Application complete; and
2. A Petition to Provide a Filing Date of 05/22/01 in that the Drawings are not necessary to Full Disclosure of Present Invention Methodology as Claimed in Method Claims 1-45, said Petition being accompanied by a check for \$130.00 under 37 CFR 1.17(h). The Drawings show nonlimiting demonstrative systems which could be applied in practice of the methodology of the present invention.

Please Enter and properly distribute the submittals.

Sincerely,

JAMES D. WELCH

JW/hs

enc.

enc. New Declaration, Two (2) Sheets of Drawings and a Copy of the PTO Notice.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/862,881	05/22/2001	Craig M. Herzinger	

CONFIRMATION NO. 8860

FORMALITIES LETTER



OC000000006339655

JAMES D. WELCH
10328 PINEHURST AVE.
OMAHA, NE 68124

Date Mailed: 07/25/2001

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below **and a newly executed oath or declaration covering the items must** be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

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